

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

TYROWONE LOUIS KIMBLE

PLAINTIFF

V.

CIVIL ACTION NO.: 3:18CV38-NBB-RP

COFFEEVILLE POLICE DEPT., ET AL.

DEFENDANTS

JUDGMENT

On August 13, 2018, following a *Spears* hearing, the United States Magistrate Judge issued a Report and Recommendation, and Plaintiff acknowledged receipt of same on August 17, 2018. To date, no objections to the Report and Recommendation have been filed, and the deadline for filing objections expired on August 27, 2018. The Court has reviewed the Report and Recommendation and found no plain error. It is, therefore, **ORDERED**:

1. That the Report and Recommendation [24] is **ADOPTED** as the Order of the Court;
2. That Plaintiff's claim that his rights were violated by Officers Greg Vance and James Payne's alleged display of physical intimidation **PROCEED**;
3. That Plaintiff's remaining claims are **DISMISSED WITH PREJUDICE**; and
4. That Defendants Mark Martin, Larry Tritt, and the Coffeeville Police Department¹ are **DISMISSED WITH PREJUDICE** from this action.

SO ORDERED this 22nd day of October, 2018.

/s/ Neal Biggers
SENIOR UNITED STATES DISTRICT JUDGE

¹ While the Report and Recommendation did not explicitly list the Coffeeville Police Department as a Defendant entitled to dismissal, it did recommend that all named Defendants and claims be dismissed except for one claim against Officers Vance and Payne. The Court otherwise notes that the Coffeeville Police Department is not a legally cognizable entity under § 1983, and therefore, it is an improper defendant subject to dismissal. *See, e.g., Isaac v. Glennis*, 32 F.3d 566, 1994 WL 442429 n.1 (5th Cir. 1994) (noting § 1983 claim cannot be maintained against law enforcement departments, as they "are not legal entities subject to suit").